

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Antoine Ramone Smith**

**Docket No. 5:16-CR-219-1M**

**Petition for Action on Supervised Release**

COMES NOW Timothy L. Gupton, Senior U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Antoine Ramone Smith, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With the Intent to Distribute a Quantity of Cocaine Base (Crack), was sentenced by the Honorable W. Earl Britt, Senior United States District Judge, on May 1, 2017, to the custody of the Bureau of Prisons for a term of 60 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Antoine Ramone Smith was released from custody on January 22, 2020, at which time the term of supervised release commenced. On February 3, 2020, a Violation Report was filed advising of a positive urinalysis (marijuana). The defendant was enrolled in the Surprise Urinalysis Program (SUP) and he was referred for a substance abuse assessment. No court action was taken. Additionally, on December 1, 2020, a Violation Report was filed advising of a positive urinalysis (marijuana and cocaine). Smith was referred for an updated substance abuse assessment and no court action was taken.

On June 16, 2022, the case was reassigned to Chief Judge Richard E. Myers II, and on August 4, 2022, a Violation Report was filed advising of a positive urinalysis (marijuana and cocaine). A verbal reprimand was issued, the frequency of urinalyses was increased, Smith was referred for additional substance abuse treatment, and no court action was taken. Lastly, on February 2, 2023, a Petition for Action was filed advising of a positive urinalysis (cocaine). The frequency of urinalyses was increased, substance abuse counseling was increased, and the defendant was enrolled in a cognitive behavioral program.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On April 5, 2024, and April 9, 2024, Smith tested positive for cocaine. The defendant adamantly denied any intentional cocaine use; however, Alere Toxicology Services, Inc. opined Smith "used cocaine prior to the sample collected on April 5, 2024, and after April 5, 2024, and prior to the specimen collected on April 9, 2024." Additionally, the defendant has failed to report for the Surprise Urinalysis Program (SUP) on several occasions.

Based on this information, a verbal reprimand was issued, the frequency of the defendant's urinalyses was increased, and substance abuse counseling was increased. As a sanction for the positive urinalyses and his failure to report for the SUP Program, a 12-hour period of community service is recommended. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall perform 12 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, the required fee shall be waived.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/Timothy L. Gupton  
Timothy L. Gupton  
Senior U.S. Probation Officer  
310 New Bern Avenue, Room 610  
Raleigh, NC 27601-1441  
Phone: 919-861-8686  
Executed On: May 3, 2024

**ORDER OF THE COURT**

Considered and ordered this 6<sup>th</sup> day of May, 2024, and ordered filed and  
made a part of the records in the above case.

Richard E. Myers II

Richard E. Myers II  
Chief United States District Judge